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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 3]

भोपाल, शुक्रवार, दिनांक 18 जनवरी 2019—पौष 28, शक 1940

भाग ४

विषय-सूची

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|-----|------------------------|-------------------------------|----------------------------------|
| (क) | (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) | (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद के अधिनियम. |
| (ग) | (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

अंतिम नियम

उच्च न्यायालय, जबलपुर, मध्यप्रदेश

No. B-6

Jabalpur, the 2nd January 2019

In exercise of the powers conferred by Articles 225 of the Constitution of India, section 54 of the States Reorganisation Act, 1956, clauses 27 and 28 of the letters patent, section 3 of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth ko

Appeal) Adhiniyam, 2005, the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh Rules, 2008, Namely

AMENDMENTS

In the said rules,-

1. In chapter X,-

- (1) in rule 24, published in the Madhya Pradesh Gazette, (extraordinary) dated 07-06-2012 at page No. 532 (9), S.No. 10 (b) and 10(c) are withdrawn which runs as under.
 - (b) after words "the name" & "address and" word "office" is inserted.
 - (c) after words "address name" & "of the advocate" words "phone numbers" are inserted.

After withdrawal of S.No. 10(b) and 10(c), the following amendment are inserted in chapter X, rule 24:-

- (b) between words "High Court" & "the name", the symbol "," is inserted.
- (c) between words "the name" & "address of", the symbol & words ", office" is inserted.
- (d) between words "address" & "of the advocate", the words ",phone number(s) and e-mail address (if any)" are inserted.
- (e) between words "the advocate," & "for the Principal Seat", the words "if any," are deleted.

After Amendments, Rule 24 of the Chapter X, shall be read as under:-

24. The Registrar shall require the Central Government and all local or other authorities under the control of the State or Central Government operating within the territory of the State of Madhya Pradesh to inform the High Court, the name, office address, phone number(s) and e-mail address (if any) of the advocate, for the Principal Seat of the High Court at Jabalpur and Benches at Indore and Gwalior, who is authorized to accept service on their behalf. Such information shall be maintained in the form of a Register and shall be made available to the Bar. Whenever such advocate is changed, intimation of such change shall be given to the Registrar, who shall notify it to the Bar.

Provided that it shall not be incumbent upon any such local or other Authority to authorize an advocate for accepting service on its behalf.

2. In Chapter-XIII, after Rule 3, the following rule shall be added, namely:-
 “3A. In application for restoration/review/recall/modification/clarification of order or judgment passed in a main case, the Court may, at any time, direct the office to attach the record of main case.”.
3. In chapter XVIII, in rule 18, in the end, before full stop, the following words, figure and letters shall be inserted, namely:-
 “printed on both sides on a recycled, 60 GSM paper”
4. In chapter XIX
 - (1) In rule 15, the para shall be renumbered as sub-rule (1) thereafter following sub-rules shall be added namely:-
 “(2) A Judgment or an Order shall be typed/printed on both side of a ledger paper of foolscap size, leaving a margin of not less than 5 centimeters on the top and left and 2.5 centimeters on right and bottom.
 (3) It shall be printed using double space, font size of 14 and font face Times New Roman.”;
 - (2) In rule 23,-
 - (a) Sub-rule (8) shall be renumbered as sub-rule (10);
 - (b) After sub-rule (7), the following sub-rules shall be added namely:
 “(8) Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be permanently preserved.
 (9) Any original document relating to title whether it has been admitted or not.”
 - (3) In rule 24, in the second line between the words “a period of” and the words “and shall”, the figure & word “12 years” shall be substituted by the figure & word “4 years”
 - (4) In rule 26,-
 - (a) sub-rule (1), in proviso the words “shall not be destroyed” shall be substituted by the words “preserved permanently”
 - (b) In Sub-rule (2), in clause (c), after the words “risk of the party”, the words “and destroyed after 12 years from the date of judgment” shall be deleted.
 - (5) After sub-rule (6) of rule 28 of chapter XIX, the following sub-rule shall be added namely:
 “(7) Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be preserved.
 (8) Any original document relating to title whether it has been admitted or not.”.

5. In chapter XXI,

- (1) amendment published in the Madhya Pradesh Gazette, (extraordinary) dated 30-07-2010 at page No. 802 (3), S.No.9 providing that: "In chapter XXI, sub-rule (1) of rule 3 shall be deleted", is withdrawn.
- (2) In rule 6, sub-rule (1) shall be deleted.

6. For form No.4, (Chapter X, sub-rule (1) of rule 3), the following Form shall be substituted, namely:

"Form No. 4**(Chapter X, rule 3(1))**

**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
BENCH AT GWALIOR**

Class of Case No. of 20

Appellant :
Applicant :
Petitioner :

Versus

Respondent :
Non-applicant :

Part A – Index

S.No.	Description of Documents	Annexure No.	Page No. of the Document
1.
2.
3.

Part B – Chronology of Events

Date	Event
.....
.....
.....
.....

Place:

Date:

(Signature)
Advocate for....."

REGISTRAR GENERAL
High Court of Madhya Pradesh

There is an urgent need to cope with the need for creation of user-friendly database with features for text, context, keyword based searching and for purpose of safe custody and creation of space for records. The Digitization solution will be an integrated web technology based solution capable of running seamlessly over Intranet, Virtual Private Network (VPN) as well as on the Internet that allows the High Court of Madhya Pradesh to scan and integrate all types of records, Judgments/Orders and enable the end users to search quickly and comprehensively across different media from the vast database available at the High Court of Madhya Pradesh;

Therefore, In exercise of the powers conferred by Article 225 of the Constitution of India, Section 54 of the States Reorganisation Act, 1956, clauses 27 & 28 of the Letters Patent, the High Court of Madhya Pradesh, hereby, makes following rules for digitization of records of the High Court, namely:-

CHAPTER-I

1. **Short Title.-** These Rules may be called the “High Court of Madhya Pradesh Digitization of Records Rules, 2018”.
2. **Commencement.-** These rules shall come into force with immediate effect from the date of their publication in the official Gazette.
3. **Definitions:-**
 - (1) “**Application software**” means a program or group of programs designed for end users. The application software includes database programs, word processors, spreadsheets, etc.
 - (2) “**Digitization**” means the process of converting analog signals or information in any form into a digital and un-editable format that can be understood by computer systems or electronic devices.
 - (3) “**Digitization of the High Court records**” means conversion of all physical files including Judicial records of disposed of, pending and freshly filed cases, administrative records, H.R publications, gazette notifications/publications, old books, all registers etc. into digital form capable of being understood by computer systems or an electronic device.
 - (4) “**Digitized/electronic records**” shall bear the same meaning as assigned under the Information Technology Act, 2000.
 - (5) “**Local Area Network**” means a computer network that interconnects computers in a limited area such as a home, school, computer laboratory, or office building using network media.

- (6) **“Microfilming”** means a film bearing a photographic record on a reduced scale of printed or other graphic matter.
- (7) **“Official”** means the officer and employees of the High Court of Madhya Pradesh.
- (8) **“Physical Records”** means and include records on paper of--
 - (a) cases-pending or disposed of,
 - (b) administrative records,
 - (c) gazette notifications / circulars / publications,
 - (d) journals,
 - (e) books and
 - (f) registers etc.
- (9) **“Repository”** means a central place where data is stored and maintained and this data comprises of collection of electronic records.
- (10) The words and phrases not mentioned herein shall bear the same meaning as assigned under the High Court of Madhya Pradesh, Rules 2008.

CHAPTER-II

PRESENTATION OF MATTERS AT THE FILING COUNTER

4. Notwithstanding anything to the contrary contained in Rule 1, Chapter 11 of High Court of Madhya Pradesh Rules, 2008.
 - (1) Any main case, interlocutory application or any other document in a main case may be presented at the presentation centre of the High Court during working hours in soft copy (pdf format) by any party or his recognized agent or counsel in person.
 - (2) On such presentation, the advocate/party shall be given the facility of listing of his/her case on next working day after removal of default.
 - (3) In case the advocates/parties are submitting the hard copy of paper book the same will be scanned at scanning center by the scanning team of the High Court or by the vendor appointed by the High Court for the said purpose.
 - (4) The scanned files and the soft copy shall be uploaded on the Server added in the repository.
 - (5) All subsequent orders, memo's, reminders, rejoinders shall be appended/ added in the scanned digital file either through scanning process or digitally attaching the documents with the relevant file/case.

- (6) Any additional amendment submitted later by the parties/advocates at filing center either in the hard copy or soft copy shall be tagged with the relevant file/case in sequential order.

CHAPTER-III

Preservation and Elimination of Records

5. (1) All the original documents after digitization shall be returned to the parties after giving them three months notice to receive the documents and in case the parties do not collect the documents within a period of three months, those documents shall be destroyed in accordance with the provisions of Chapter XIX of the Rules, 2008 under the general superintendence of the Registrar (I), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose. Record to be digitized and preserved permanently in the un-editable digitized format.
 - (2) Notwithstanding anything contained in Rule 23 to 31, Chapter XIX of High Court of Madhya Pradesh Rules, 2008, Part A of every case shall be digitized and preserved permanently in an un-editable format under the general superintendence of the Registrar (I) and the Supervising Officer(s) nominated by the Chief Justice.
 - (3) The official digitizing the record of the High Court shall certify that the entire judicial record as per sub-rule (2) of Rule 5 of the given case has been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures, that the required entire judicial record of the given case is available in the un-editable digitized format.
 - (4) The scanned images of the judicial records after digital signature of Supervising Officer(s) shall be kept in such format and in such medium as may, from time to time, be specified by the Chief Justice.
 - (5) The judicial records of the given case which has been digitized for the period specified in Rules 23 to 31 of chapter XIX (records) of the High Court of Madhya Pradesh, Rules 2008 in the physical form.
6. After digitization of the disposed of cases, all the judicial records in the physical form except the judicial record as mentioned in rules of the chapter XIX of High Court of Madhya Pradesh Rules, 2008 shall be destroyed and destruction shall be carried out from time to time as may be necessary in accordance with the provisions of rules of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the

Registrar (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

7. Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, may be eliminated after being retained and secured in electronic form and after certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872.

CHAPTER-IV

Digitization of Registers, Administrative Records, Others papers and Publications:

8. Digitization of Registers & Administrative Records:-

- (1) All the administrative records/files and Registers are to be digitized and preserved permanently in the digitized form by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (IT). For the digitization of Registers related to judicial branch, the digitization will be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (IT).
- (2) The official of the IT section digitizing the register shall certify that the entire Administrative Records/Files and Registers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the entire Administrative Records/Files and Registers are available in the digitized form.
- (3) The registers mentioned in part II of chapter XIX of High Court of Madhya Pradesh Rules, 2008, which have been duly digitized and certified by the Supervising Officer, shall be eliminated. The destruction shall be progressively carried out from time to time in accordance with the provisions of rule 42 (3) of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the Registrar (Admin) and Registrar (IT). The digitization of Registers related to judicial branch be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
- (4) The administrative records/files which have been duly digitized and certified by the Supervising Officer, shall be destroyed. The destruction process shall be carried out as per the directions of the Chief Justice. It shall be done under the general superintendence of Registrar (Admin),

by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

- (5) Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, may be eliminated after being retained and secured in electronic form and after certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872.

9. **Digitization of all other papers:-**

- (1) All the other papers as per directions of the Chief Justice shall be digitized and preserved permanently in the digitized form under the general superintendence of the Registrar (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
- (2) The official of the IT department digitizing the papers shall certify that the entire papers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the said papers are available in the digitized form.
- (3) All the papers which have been duly digitized and certified by the Supervising Officer, shall be destroyed except the papers of the current year which shall be preserved in physical form. The destruction shall be progressively carried out from time to time in accordance with orders of the Chief Justice. It shall be done under the general superintendence of Deputy Registrar (Judicial), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

10. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules and Chapter XIX of "The High Court of Madhya Pradesh Rules, 2008".

11. **Repeal and Saving:-**High Court of Madhya Pradesh Digitization of Records Rules, 2014, in force immediately before the commencement of these Rules, are hereby repealed, in respect of matters covered by these rules;

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

A. K. SHUKLA, Registrar General
High Court of Madhya Pradesh

In exercise of the powers conferred by sub section (1) of section 34 of the Advocate Act, 1961 (Act No. 25 of 1961) the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh (Conditions of Practice) Rules, 2012, namely:-

AMENDMENTS

In the said rules,

1. In preamble, in last line, for the words "High Court and the Courts subordinate thereto", the words "High Court of Madhya Pradesh and the Courts subordinate thereto", shall be substituted.
2. For rule 3, the following rule shall be substituted, namely:-
 - "3. Definitions,-
 - (1) In these rules unless there is anything repugnant in the subject or context-
 - (a) "Abstention from work" means and includes calling for or participation in a strike, abstention from work in the Court or non-appearance in cases or a particular case or interruption in administration of justice in any manner by Advocates pursuant to a call issued by State Bar Council/Bar Association or any body of Advocates;
 - (b) "Bar Association" means an Association of Advocates recognized as such by the State Bar Council of Madhya Pradesh.
 - (c) "Court" means the High Court of Madhya Pradesh and the Courts subordinate to it, under the jurisdiction of the High Court of Madhya Pradesh.
 - (d) "Office Bearers" means Executive Body elected by the Members of the Bar Association(s) including its Chairman/ President.
 - (e) "State Bar Council" means The State Bar Council of Madhya Pradesh.
 - (f) "The Act" means the Advocates Act, 1961.
 - (2) The words and phrases not defined herein shall respectively carry the same meaning as assigned to them under the Advocates Act, 1961, the Code of Civil Procedure, 1908 or the High Court of Madhya Pradesh Rules, 2008, as the case may be."
 3. In rule 4, sub-rule (2),-
 - (1) the words "the Appendix to" shall be deleted;
 - (2) in the end, before semi colon, the following bracket, word, figure and letter shall be inserted, namely:-
 "(Appendix 1-D)"
 - (3) in the third proviso,-
 - (a) the words "the Appendix to" shall be deleted;
 - (b) between the word and figure "Rules, 2008" and the word "expressing" the following bracket, word, figure and letter shall be inserted:-
 "(Appendix 1- C)"

4. After rule 13, the following rule shall be inserted namely:
“13-A. Uniform of Advocates appearing before a Court. Advocates appearing before a Court shall wear the Uniform as prescribed in Chapter IV of PART VI of “The Bar Council of India Rules”.
5. After rule 16, the following rule shall be inserted namely:
“16-A. Procedure and Consequences of Breach. If the State Bar Council or the Bar Association issues a call for strike or abstention from the work without the prior consent of the Chief Justice or the District Judge, as the case may be, following consequences shall ensue:-
 - (1) The Office Bearers issuing call on behalf of the State Bar Council or the Bar Association shall be debarred from appearing before any Court in the State of Madhya Pradesh for a period of 1 month from the date of issuance of the call.
 - (2) In case a call is issued for going on strike or for abstention from work within 1 year from the last call, it shall result in debarment of the Office Bearers to appear in any Court in the State of Madhya Pradesh for a period of 2 months.
 - (3) If during tenure of any Office Bearer, any further call for strike or abstention from work is made, the Office Bearers shall be debarred from appearing in any Court in the State of Madhya Pradesh for a period of 3 months from the date of issuance of the call.
6. Appendix I-A, in the last line of first para, between the words “done by” and the words “/ them” the word “hime” shall be substituted by the word “him”.
7. After Appendix 1-B, the following Appendixes shall be added, namely:

APPENDIX 1-C

Form No. 1

IN THE HIGH COURT OF MADHYA PRADESH
 PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
 BENCH AT GWALIOR
 Memo of Appearance

(Civil)

Class of Case No. of 20..... fixed for / /20.....

Appellant :

Applicant :

Petitioner :

Versus

Respondent :

Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to plead on his/her behalf,
in the above proceeding in terms of order III Rule 4 (5) C.P .C.

or

The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead
on his/her behalf, in the above proceeding in terms of Rule 8 of chapter VIII
of the Rules.

PLACE :

DATE :

(Signature)

Advocate for

Name & Address

.....

APPENDIX 1-D

Form No. 2

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
BENCH AT GWALIOR

Memo of Appearance
(Criminal)

Class of Case No. of 20..... fixed for / /20.....

Appellant :

Applicant :

Petitioner :

Versus

Respondent :

Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead
on his/her behalf, in the above proceeding.
2. The said instruction / authorization is contained in the annexed letter /
document issued by the said party, or by

son / daughter / wife of
resident of
who has stated that he / she has been authorized by the party to engage an
Advocate on his / her behalf.

or

The undersigned undertakes to produce such letter / document authorizing
him / her to appear in the proceeding, within three weeks.

PLACE :

DATE :

(Signature)

Advocate for

Name & Address

.....

REGISTRAR GENERAL
High Court of Madhya Pradesh

In exercise of the powers conferred by sub-section (1) of section 34 read with sub-section (2) of section 16 of the Advocates Act, 1961 (Act No. 25 of 1961), the High Court of Madhya Pradesh, hereby, makes the following rules, namely:-

1. **Short Title.**—These Rules shall be called the High Court of Madhya Pradesh (Designation of Senior Advocates) Rules, 2018.
2. **Commencement.**—These Rules shall come into force on the date of their publication in the Official Gazette.
3. All matters related to designation of Senior Advocate(s) in the High Court of Madhya Pradesh shall be dealt with by a Permanent Committee known as “Committee for Designation of Senior Advocates”.
4. The Permanent Committee shall comprise, the Chief Justice of the High Court and two Senior-most Judges of the High Court nominated by the Chief Justice, Advocate General of the State and such four Members shall nominate the fifth Member from the Bar.
5. There shall be a Permanent Secretariat of the Permanent Committee which shall be constituted by the Chief Justice in consultation with the other Members of the Permanent Committee.
6. All applications including written proposal by the Hon’ble Judge(s) shall be submitted to the Secretariat.
7. An application or a recommendation shall be placed by the Secretary for consideration before Permanent Committee.
8. The Full Court may designate an advocate as Senior Advocate, if in its opinion, by virtue of his ability, standing at the bar, special knowledge, legal acumen, experience in law and high ethical standards; the said advocate deserves conferral of such distinction.
9. **Qualifications for being Designated a Senior Advocate.**—
 - (1) An advocate shall be considered for being designated as a Senior Advocate only if.—
 - (a) he has actually practiced as an advocate for not less than 15 years and
 - (b) his gross income from the profession is not less than Rs. 10 lacs per annum as shown in the previous 3 years, Income Tax Returns :

Provided that the High Court may, in exceptional cases, relax any of the aforesaid qualifications and designate an advocate as senior advocate, having regard to his experience at bar, knowledge of law and performance in the Court.
10. Where the name of an advocate for designation as Senior Advocate is to be considered by the Permanent Committee constituted under Rule 4; the Secretary of the Secretariat constituted under Rule 5 shall obtain the following particulars in respect of such advocate:
 - (1) Name.
 - (2) Qualification.
 - (3) Date of Birth.

- (4) Permanent address.
 - (5) Address to which communications are to be sent.
 - (6) Name of Bar Council and Date of enrollment as an advocate.
 - (7) Number in the roll of advocates maintained by the State Bar Council.
 - (8) Whether he is/was a member of any association of lawyers? If so the details.
 - (9) Number of years, name of place and Court(s) where practiced.
 - (10) Specialization in any field of law such as Constitutional Law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Inter-state Water Disputes etc. If so, details.
 - (11) Whether a junior to any lawyer(s) at present? If so, the details.
 - (12) Whether any junior lawyer is practising with him? If so, names of such lawyers and the period.
 - (13) Whether he is an assessed under the Income Tax Act in respect of professional income? If so, details of income assessed for the last three years accompanied by a copy of the Permanent Account Number Card.
 - (14) Whether he is/was in the panel of the State or Central Government or whether holds any office under the State or Central Government?
 - (15) (a) Reference to any important matter in which appeared.
(b) Reported judgments in which the concerned Advocate(s) had appeared in last five years.
 - (16) Whether he has written any book on law or made any contribution to a law publication or journal? If so, the details.
 - (17) Whether he attended or participated in any seminar/conference relating to law?
 - (18) Whether he is/was connected with any faculty of law?
 - (19) Whether any application for designation as senior advocate had been made in the past to the High Court of Madhya Pradesh or any other Court? If so, when and with what result?
 - (20) Whether ordinarily practising within the jurisdiction of the High Court of Madhya Pradesh.
 - (21) Whether he has ever been personally involved in any civil or criminal litigation or contempt proceedings or any disciplinary proceedings against him by the Bar Council. If so the details thereof.
 - (22) Details of participation in pro-bono work.
 - (23) Other information/particulars, if any, including legal services and as Legal aid counsel.
11. The Secretary of the Secretariat shall publish the proposal of designation of particular Advocate in the official website of the High Court inviting the suggestions/views of other stakeholders in the proposed designation.
 12. After collecting the information, the Secretary of the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned and all such other information as may be specifically directed by the Permanent Committee. The Secretariat shall put-up the case before the Permanent Committee for scrutiny.
 13. The Permanent Committee shall examine each case in the light of the data provided by the Secretariat of the Permanent Committee; interview the concerned Advocate; and make its overall assessment on the basis of a point-based format indicated below:

S. No.	Matter	Points
1.	Number of Years of practice of the Applicant Advocate from the date of enrolment. (10 points for 10-20 Years of practice; 20 points for practice beyond 20 Years)	20 Points
2.	Judgments (Reported and Unreported) which indicate the legal formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro-bono work done by the concerned Advocate; domain Expertise of the Applicant Advocate in various branches of law such as Constitutional Law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Interstate Water Disputes etc.	40 Points
3.	Publications by the Applicant Advocate	15 Points
4.	Test of Personality & Suitability on the basis of Interview/Interaction	25 Points

14. The list prepared by the Permanent Committee shall be placed before the Full Court for consideration.
15. Ordinarily, in the case of difference of opinions in respect of a Candidate, except when unavoidable, voting by secret ballot shall not be resorted to by the Full Court. In case of voting by secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
16. On approval by the Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such Conferral the Secretary shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Madhya Pradesh, the Bar Council of India as also to all the District and Sessions Judges subordinate to the High Court.
17. **The name not to be reconsidered for next 2 years.**—If the name of an advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next 2 years. After two years, it can be reviewed /reconsidered, following the manner indicated above as if the proposal is being considered afresh.
18. The final decision of the Full Court will be communicated to the applicants individually.
19. In the event a Senior Advocate is found guilty of misconduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the same.

Provided that before reviewing the decision mentioned in Rule 18, the Permanent Committee shall issue a notice to the concerning advocate of not less than 30 days to show cause and after receiving the reply, if any, place it before Permanent Committee who shall examine it and after examination, with his opinion, place it before Full Court.

20. All questions relating to interpretation/application of these Guidelines, shall be referred to the Chief Justice, whose decision thereon shall be final.

21. **Restrictions on Senior Advocates.**—A senior advocate shall not—

- (1) file a vakalatnama or memo of appearance or act in any Court or Tribunal;
- (2) appear before a Court or Tribunal without an instructing advocate;
- (3) accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever;
—but these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate;
- (4) accept directly from a party any brief or instructions to appear in any Court or Tribunal.
- (5) be a standing counsel of any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a senior advocate:

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Additional Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to be a standing counsel;

- (6) shall not enter into direct professional correspondence with a litigant except for the purpose of giving opinion.

Explanation.—In this rule.—

- (I) “**Act in**” means filing an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such court or tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf;
- (II) “**Tribunal**” includes any authority or person legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practise;
- (III) “**Instructing Advocate**” means an advocate other than a senior advocate, who has been instructed by party in the matter.

22. **Intimation of cancellation of Designation.**—On withdrawal of status of senior Advocate, the Secretary of the Secretariat shall notify the fact to the Secretary General, Supreme Court, the Secretary, Bar Council of Madhya Pradesh, the Secretary, Bar Council of India, the Secretaries of Bar Councils of other States in India and also all the District and Sessions Judges subject to jurisdiction of the High Court. The notification shall also be published in the official website of the High Court and a copy thereof shall be communicated to the Judges of the High Court of Madhya Pradesh.

23. **A Record of Designations to be Maintained.** A record of all such designations and withdrawals shall be maintained in the Secretariat constituted under Rule 5.

24. Repeal.—

- (1) On coming into force of these rules, the rule framed by the High Court of Madhya Pradesh under Section 16(2) of the Advocates Act, 1961, Published in Madhya Pradesh Gazette, (Extraordinary) dated 11th April, 2012, p. 379-380 (1) shall stand repealed.
- (2) Notwithstanding the fact that these Rules have come into force and repeal under sub-rule (1) has taken effect.—
 - (a) anything duly done or suffered; or
 - (b) any right, obligation or liability, accrued, imposed or incurred; or any proceedings taken or to be taken, in respect of such right, obligation or liability;
—under the repealed Rules, before such enforcement, shall not be affected.

25. All pending applications for designation shall be returned to the applicants concerned for applying afresh in accordance with these Rules. All pending proposals/recommendations for designation shall also be likewise returned.

26. Nothing contained in these rules shall stand in the way of an Advocate who has been designated by the High Court of Madhya Pradesh as a Senior Advocate, from submitting an application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Secretary to the Secretariat being submitted, the same shall be placed before the Permanent Committee for appropriate action.

REGISTRAR GENERAL
High Court of Madhya Pradesh